

House Resolution 57 (AS PASSED HOUSE AND SENATE)

By: Representative McCall of the 30<sup>th</sup>

### A RESOLUTION

1 Authorizing the conveyance of certain state owned real property located in Elbert County,  
2 Georgia; to repeal conflicting laws; and for other purposes.

3 WHEREAS, the State of Georgia is the owner of a certain parcel of real property located in  
4 Elbert County, Georgia; and

5 WHEREAS, said real property is all that tract or parcels of land, lying and being in the 189th  
6 G.M. District of Elbert County, Georgia, containing 13.660 acres, more or less, and being  
7 more particularly described and designated as "Tract 3" on a plat of survey prepared by  
8 Gregory J. Evans, Registered Land Surveyor, dated December 22, 1997; recorded in the Plat  
9 Book 20, at Page 137, in the Office of the Superior Court of Elbert County, Georgia,  
10 hereinafter referred to as "said property"; and

11 WHEREAS, said property is under the custody of the Department of Defense of the State of  
12 Georgia, a state agency established pursuant to Part 2 of Chapter 2 of Title 38 of the Official  
13 Code of Georgia Annotated; and

14 WHEREAS, said property was conveyed to the Department of Defense by a deed of gift with  
15 limited warranty on or about August 11, 1998, said deed being duly recorded in book 249,  
16 page 215 to 218 with the Elbert County clerk of court's office; and

17 WHEREAS, the deed of conveyance contained a stipulation that the conveyance was for the  
18 purpose of construction and use as a National Guard training center or armory and  
19 conditioned that: "[i]f construction on such regional training center or armory has not  
20 commenced within five years from the date of this instrument, then [the state] shall  
21 automatically forfeit all right, title, and interest in and to said property, the estate of [the  
22 state] in and to this property shall automatically terminate, and title shall automatically vest  
23 in the City of Elberton, Georgia, a municipal corporation...."; and

1 WHEREAS, the Department of Defense of the State of Georgia has determined that said  
2 property is no longer needed to carry out the mission of the department and the property shall  
3 not be used for a National Guard training center, armory, or for a similar purpose; and

4 WHEREAS, the City of Elberton is desirous of acquiring the above-described property so  
5 that the original intent of the Grantor may be carried out and so that the property may be put  
6 to its highest and best use for the benefit of the citizens of the City of Elberton; and

7 WHEREAS, the State Properties Commission is authorized pursuant to Chapter 16 of Title  
8 50 of the Official Code of Georgia Annotated to transfer and convey title of said property  
9 belonging to the state and the commission has determined that it is in the best interest of the  
10 state to transfer said property more specifically described above to the City of Elberton.

11 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL  
12 ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 That the State of Georgia is the owner of the above-described real property located in Elbert  
15 County and that in all matters relating to the conveyance of the real property the State of  
16 Georgia is acting by and through its State Properties Commission.

17 **SECTION 2.**

18 That said property shall be conveyed to the City of Elberton, a municipal corporation  
19 established by law, and its successors and assigns for the consideration of \$1.00, the good  
20 and real value of which is hereby acknowledged, and under such further consideration and  
21 provisions as the State Properties Commission shall in its discretion determine to be in the  
22 best interest of the State of Georgia.

23 **SECTION 3.**

24 That the authorization in this resolution to convey said property to the City of Elberton,  
25 Elbert County, shall expire five years after the date that this resolution becomes effective.

26 **SECTION 4.**

27 That the State Properties Commission is authorized and empowered to do all acts and things  
28 necessary and proper to effect such conveyance and that any deeds of conveyance relative  
29 to the transfer of title authorized by this resolution shall be executed by signature of the  
30 Governor or his authorized representative or representatives and recorded by the Grantee in

1 the Superior Court of Elbert County and the Grantee shall forward to the State Properties  
2 Commission a recorded copy of the deed of conveyance. Upon recording the transferring  
3 deed, the state and any state agency shall have no further interest in said property.

4 **SECTION 5.**

5 That all costs associated with the sale of the above-described property shall be borne by the  
6 Department of Defense of the State of Georgia.

7 **SECTION 6.**

8 That all laws and parts of laws in conflict with this resolution are repealed.